

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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ROBERT B. FIER, ) Case No.: 2:06-cv-01162-RLH-LRL  
Plaintiff, )  
vs. )  
UNUM LIFE INSURANCE COMPANY OF )  
AMERICA, a Maine corporation, )  
Defendant. )  
UNUM LIFE INSURANCE COMPANY OF )  
AMERICA, a Maine corporation, )  
Counter-Claimant, )  
vs. )  
ROBERT B. FIER, )  
Counter-Defendant. )

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**JUDGMENT**

This matter having been submitted to the Court for findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, in lieu of an actual trial; and having made and entered such Findings of Fact and Conclusions of Law (Dkt. #61); and having considered the parties' trial briefs and the exhibits and evidence cited therein, the Court now renders its Judgment as follows:

## JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Court finds and declares as follows: (1) Fier was not entitled to disability benefits under the LTD policy prior to 1997; (2) Fier was entitled to benefits under the LTD policy during a period, beginning in 1997 and ending in 1998, in which his current monthly earnings were less than 80% of his pre-disability

1 earnings; (3) Unum overpaid Fier; (4) Fier is no longer insured under the LTD policy, and  
2 therefore is not presently and in the future will not be entitled to further benefits under the policy;  
3 (5) Unum therefore has no present or future obligation to Fier under the policy; (6) Fier is not  
4 entitled to any insurance benefits under the AD&D policy; and (7) Unum is not entitled to  
5 reimbursement of any of its overpayment to Fier.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court finds  
7 for Defendant and against Plaintiff as to Plaintiff's Complaint. In addition, the Court finds for  
8 Plaintiff and against Defendant as to Defendant's Counterclaim. Judgment is therefore entered  
9 against both Plaintiff and Defendant, and the Court orders that Plaintiff take nothing by way of his  
10 Complaint and that Defendant take nothing by way of its Counterclaim.

11 Dated: November 3, 2009.

  
12 ROGER L. HUNT  
13 Chief United States District Judge  
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